

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

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1 SAMUEL MADURO CLASSEN,
et al.,

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR

2 Plaintiffs,

3 v.

CIVIL NO. 98-2335 (RLA)

4 SOUTHERN FLYER, INC.
5 et al.,

6 Defendants.

8 **OMNIBUS ORDER**

9 The following matters pending in these proceedings are hereby
10 disposed of as follows.

11 **JOINT ISC MEMORANDUM**

12 It appearing that defendants have been unable to retain local
13 counsel after the demise of their former attorney,¹ and it further
14 appearing that some preliminary matters need to be addressed in this
15 case at this time, our Order instructing the parties to file a JOINT
16 ISC MEMORANDUM is hereby **STAYED** until further Order of this Court.

17 **CLAIM AGAINST CODEFENDANT POOLE**

18 According to the information submitted by codefendant SAMUEL
19 E. POOLE, JR., there is no viable claim against him in his personal
20 capacity in this action. His role in contracting the services of
21

22 _____
23 ¹ The letter subscribed by SAMUEL E. POOLE, JR. dated
24 September 9, 1999 as well as all attachments thereto shall be FILED
25 by the Clerk of the Court as a motion in this action. MR. POOLE is
26 admonished to refrain from forwarding any correspondence to the
undersigned. Rather, all future documents shall be filed as pro se
motions in the case.

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1 MR. MADURO in state court were exclusively as president of SOUTHERN
2 FLYER, INC. and any potential judgment would have to be paid by the
3 corporation not by him. MR. POOLE's intervention exclusively on
4 behalf of the corporation is confirmed by plaintiffs' allegations
5 in the complaint.

6 It appearing that there are no allegations in the complaint
7 asserting an independent cause of action against MR. POOLE
8 individually, unless plaintiffs show cause **no later than October 15,**
9 **1999** the claims asserted against codefendant MR. POOLE shall be
10 dismissed.
11

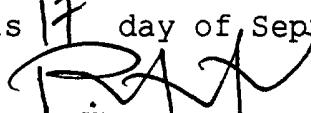
12 **CLAIMS AGAINST SOUTHERN FLYER,**

13 MR. POOLE has submitted evidence tending to show that he did
14 not sign nor enter into a contingent fee agreement with counsel
15 MADURO. Accordingly, unless plaintiffs voluntarily dismiss this
16 action or show cause **on or before October 15, 1999** the complaint
17 shall be summarily dismissed.

18 MR. MADURO is admonished that in the event that he chooses to
19 pursue this case and if in due course the imputations asserted by
20 MR. POOLE are found to be true, this matter shall be referred for
21 ethical investigation to both the federal and local courts.
22

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 17 day of September, 1999.


RAYMOND L. ACOSTA
United States District Judge